

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRYCE LANEAR,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:24 CV 629 JMB
)	
JOE TAYLOR and MICHAEL KIRN,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Amend Complaint (Doc. 26) and Plaintiff's Replies to the Answer (Docs. 25 and 28). For the reasons set forth below, the Motion to Amend is **DENIED** and the Responses are **STRICKEN**.

Federal Rule of Civil Procedure 7 allows only certain pleadings, including a complaint and answer. Rule 7 does not anticipate other pleadings, like a reply to an answer, unless ordered by the Court. No such order has been issued in this case. Accordingly, "Plaintiff's Response" (Doc. 25) and Plaintiff's "Supplemental Reply to Defendant's Answer" (Doc. 28) are hereby **STRICKEN** and will not be considered by the Court.

Plaintiff's "Motion for Joinder of Additional Parties" seeks to amend his Amended Complaint to include Phelps County as a party-defendant. The Court notes that Plaintiff's Amended Complaint (Doc. 8) listed Phelps County as a Defendant. However, the claims against Phelps County are redundant of, or the same as, his claims against Sheriff Michael Kirn, in his official capacity. As such, the Court's September 20, 2024 Order dismissed Phelps County for the reasons set forth on pages 5 and 6 (Doc. 11). Therefore, Plaintiff's request to amend the Amended

Complaint to re-add Phelps County would be futile. See Knapp v. Hanson, 183 F.3d 786, 790 (8th Cir. 1999).

In the future, should Plaintiff wish to file a motion for leave to amend the amended complaint, he must comply with Federal Rule of Civil Procedure 15 **and** Local Rule 4.07 which provides:

A proposed amendment to a pleading or amended pleading itself must be submitted at the time any motion for leave to amend any pleading is filed. All new material in the amended pleading must be underlined and all material being removed must be struck through. It is sufficient to underline the names of new parties the first place they appear in amended pleadings. Similarly, when new claims or defenses are raised by an amendment, it is sufficient that the number of the designated count or paragraph identifying the amendment be underlined.

Essentially, Plaintiff must submit a full and complete proposed amended complaint when he files any such motion, he cannot simply add or drop parties by listing them in a motion.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of February, 2025